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Nov. 5

Mr. James J. Barry, Commissioner
Department of Public Welfare
State House Annex

Dear Sir:

You have inquired whether, in view of the passage of the Jenner Amendment, names or lists of names of recipients of assistance may be made public. This question is answered in the negative.

The Jenner Amendment — s. 618 of the Revenue Act of 1951 — provides in essence that a State will not lose its social security grants in aid merely because legislation in such State permits public access to welfare records so long as provision is made for prohibiting the use of such records for commercial or political purposes. To some extent the amendment nullifies the federal provision requiring that State plans prescribe means preventing the use of information from public welfare records save for purposes directly connected with the administration of public welfare. See, e.g., Title 42 U.S.C.A. s. 302, s. 602

However, pursuant to the last mentioned federal law, our Legislature in 1941 enacted R. L. c. 126 ss. 34-36. These provisions, the total effect of which is to prohibit the use of information obtained from public welfare records except for purposes directly connected with public welfare administration, are still law in this State. They therefore prescribe the rule which is to be followed here — and this irrespective of any change in the federal law.

Until, therefore, our own law may be changed to permit the giving of publicity of welfare records under the authorization of the Jenner Amendment, your records are available only for purposes directly connected with the administration of your department.

Very truly yours,

Warren E. Waters
Assistant Attorney General

WEW:RM